

Message Text

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SUBJECT: FRASER SUBCOMMITTEE HEARINGS: THAILAND

THE FOLLOWING ARE DRAFT REMARKS FOR DEPUTY ASSISTANT
SECRETARY OAKLEY'S FRASER SUBCOMMITTEE TESTIMONY
JUNE 30. WE WOULD APPRECIATE YOUR CORRECTING ANY
FACTUAL ERRORS, COMMENTING ON SIGNIFICANT OMISSIONS
AND ADDING ANY EDITORIAL TOUCHES YOU THINK APPROPRIATE.
SOME ISSUES, LIKE ARTICLE 21, WE INTEND TO HANDLE DURING
THE QUESTION PERIOD RATHER THAN CLUTTER UP WHAT IS AL-
READY A LENGTHY ADDRESS.

BEGIN TEXT

(1) MR. CHAIRMAN, GENTLEMEN: SEVERAL ASIAN COUNTRIES
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FIGURED PROMINENTLY IN THE ADMINISTRATION'S AND THIS
COMMITTEE'S COMMITMENT TO IMPROVE HUMAN RIGHTS WORLD-
WIDE. THIS IS A TIMELY OPPORTUNITY TO REVIEW THE
HUMAN RIGHTS SITUATION IN THAILAND, PARTICULARLY SINCE
THERE APPEAR TO BE WIDELY DIFFERING VIEWS AS TO THE
PRESENT SITUATION. I, THEREFORE, WELCOME THIS OPPORTUNITY
TO DISCUSS THAILAND'S HUMAN RIGHTS RECORD, AND TO PUT THAT
RECORD INTO THE CONTEXT OF THE PREVAILING SITUATION IN
SOUTHEAST ASIA.

(2) GIVEN THE WIDESPREAD INTEREST IN THE EVENTS SURROUNDING THE CHANGE IN THE THAI GOVERNMENT LAST OCTOBER, IT SEEMS APPROPRIATE TO BEGIN WITH A DESCRIPTION OF THOSE EVENTS. THE THREE PRECEDING YEARS OF DEMOCRACY IN THAILAND WERE AN ANOMALY IN THAI POLITICAL HISTORY AND WERE MARKED BY AN UNUSUAL AMOUNT OF SOCIAL UNREST. RIGHT AND LEFT WING ELEMENTS FOUGHT EACH OTHER IN THE STREETS, THAMMASAT UNIVERSITY WAS ATTACKED AND BURNED BY STUDENTS OF A RIVAL SCHOOL, AND EVEN STRIKING POLICE TOOK THE LAW INTO THEIR OWN HANDS WHEN THEY SACKED THE PRIME MINISTER'S OWN HOME. IT WAS ALSO A TIME OF POLITICAL INSTABILITY DURING WHICH FOUR SEPARATE THAI GOVERNMENTS WERE IN POWER. THE KHUKRIT GOVERNMENT, WHICH SURVIVED THE LONGEST OF THE FOUR, CONSISTED OF A COALITION OF NO LESS THAN 16 SEPARATE POLITICAL PARTIES.

(3) BY OCTOBER 1976, BANGKOK HAD BEEN THE SCENE OF SEVERAL WEEKS OF MOUNTING POLITICAL INSTABILITY. THERE HAD BEEN LARGE-SCALE STUDENT DEMONSTRATIONS. THE PRIME MINISTER HAD UNEXPECTEDLY RESIGNED WHEN CRITICIZED BY THE LEADERSHIP OF HIS OWN PARTY, LATER AGREEING TO RECONSTRUCT HIS COALITION GOVERNMENT. THE CABINET WAS, HOWEVER, DIVIDED INTO MUTUALLY-ANTAGONISTIC FACTIONS, LIMITED OFFICIAL USE
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AND THERE WAS A HIGH DEGREE OF TENSION AMONG STUDENTS, LABOR AND THE ARMY. DURING THE FIRST WEEK IN OCTOBER, STUDENT DEMONSTRATIONS AT THAMMASAT UNIVERSITY HAD BECOME A FOCAL POINT FOR RIGHT WING GROUPS WHICH ORGANIZED LARGE COUNTER DEMONSTRATIONS PROTESTING WHAT THEY CLAIMED HAD BEEN A GROSS ACT OF STUDENT DISRESPECT FOR THE CROWN PRINCE. ON OCTOBER 6, POLICE UNITS, AT THE ORDER OF PRIME MINISTER SENI PRAMOT, MOVED TO ARREST THE LEADERS OF THOSE STUDENT DEMONSTRATIONS. THE ARMED CONFRONTATION RESULTING FROM THIS POLICE ACTION WAS FURTHER COMPOUNDED BY FIGHTING BETWEEN RIGHT AND LEFT WING GROUPS IN AND AROUND THE CAMPUS. THE VIOLENCE LEFT 40 DEAD AND APPROXIMATELY 3,000 PERSONS ARRESTED.

(4) SIX HOURS LATER, IN THE WAKE OF THIS VIOLENCE, FACED WITH GOVERNMENTAL PARALYSIS AND THE POSSIBILITY OF FURTHER URBAN DEMONSTRATIONS AND VIOLENCE ON A MASSIVE SCALE, THE SENIOR COMMANDERS OF THE THAI MILITARY TOOK CONTROL OF THE GOVERNMENT.

(5) AROUND THE WORLD, TELEVISION AND PRESS PHOTO COVERAGE OF THE VIOLENCE AT THAMMASAT WAS REPORTED SIMULTANEOUSLY WITH THE NEWS OF THE COUP D'ETAT. THE RESULTING ERRONEOUS IMPRESSION IN THE MINDS OF MANY WAS THAT THE THAI MILITARY HAD BRUTALLY SEIZED CONTROL OF THE

GOVERNMENT. IN FACT, THE COUP WAS BLOODLESS. THE THAI MILITARY DID NOT PARTICIPATE IN THE VIOLENCE AT THAMMASAT, NOR WERE ANY MEMBERS OF THE PREVIOUS GOVERNMENT INJURED OR ARRESTED. THE COMMANDER OF THE POLICE WHO MUST BARE SOME RESPONSIBILITY FOR THE SAVAGE VIOLENCE AT THAMMASAT WAS REPLACED BY THE MILITARY AUTHORITIES.

(6) THE SENIOR THAI MILITARY OFFICERS WHO SEIZED CONTROL OF THE GOVERNMENT STATED THAT IT WAS NOT THEIR LIMITED OFFICIAL USE
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INTENTION TO GOVERN THE COUNTRY DIRECTLY. TWO DAYS AFTER THE COUP, THE KING APPOINTED PRIME MINISTER THANIN UPON THE RECOMMENDATION OF THE MILITARY. THANIN, A CONSERVATIVE JURIST, WAS IDENTIFIED WITH NONE OF THE POLITICAL GROUPS WHOSE COMPETITION HAD POLARIZED AND OVERHEATED THAI SOCIETY PRIOR TO OCTOBER 6. ON OCTOBER 22, A CIVILIAN CABINET WAS ANNOUNCED AND A NEW CONSTITUTION PROMULGATED.

(7) WHILE THE CURRENT REGIME IS ULTIMATELY DEPENDENT UPON THE BACKING OF THE THAI MILITARY, THE PRIME MINISTER AND HIS CABINET HAVE CONSIDERABLE INDEPENDENCE. SENIOR THAI MILITARY COMMANDERS HAVE STATUTORY AUTHORITY TO ACT AS THE PRIME MINISTER'S ADVISORY COUNCIL, AND IT APPEARS THAT THAT BODY SETS THE ESSENTIAL GUIDELINES OF GOVERNMENT POLICY, PARTICULARLY WITH RESPECT TO MATTERS AFFECTING NATIONAL SECURITY AND FOREIGN POLICY. THE PRIME MINISTER AND HIS CABINET CONTRIBUTE TO POLICY AS THEY ADMINISTER THE DAY-TO-DAY OPERATIONS OF THE THAI GOVERNMENT.

(8) WHILE IT IS ACCURATE TO SAY THAT DURING THE THREE YEARS OF DEMOCRATIC RULE IN THAILAND THERE WERE CIVIL AND POLITICAL LIBERTIES COMPARABLE TO OUR OWN, IT IS ALSO FAIR TO SAY THAT THE MILITARY'S ACTION TO END THE THAI DEMOCRATIC EXPERIMENT WAS BROADLY SUPPORTED BY THE VAST MAJORITY OF THE THAI PEOPLE WHO HUNGERED FOR INCREASED SOCIAL STABILITY AND FEARED THE GROWING THREAT FROM HOSTILE COMMUNIST NEIGHBORS.

(9) IN HIS APRIL 30 ADDRESS ON HUMAN RIGHTS AND FOREIGN POLICY, SECRETARY VANCE DEFINED OUR CONCERN FOR HUMAN RIGHTS UNDER THE BROAD CATEGORIES OF INTEGRITY OF THE LIMITED OFFICIAL USE
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PERSON, VITAL MATERIAL NEEDS, AND POLITICAL LIBERTIES.

I WOULD LIKE TO BRIEFLY REVIEW THAILAND'S RECORD AS IT RELATES TO THAT DEFINITION.

(10) WITH RESPECT TO INTEGRITY OF THE PERSON, THERE IS NO SPECIFIC DECLARATION OF THE PEOPLE'S RIGHTS AND LIBERTIES IN THE THAI CONSTITUTION. THE LACK OF THIS

DECLARATION HAS NOT, HOWEVER, ALTERED THE STRUCTURE AND PRACTICE OF THAI COURTS WHICH CONTINUE TO ADHERE TO A LEGAL CODE BASED ON EUROPEAN MODELS. IN EFFECT, THOSE TRIED IN THAI COURTS ARE ALLOWED BASICALLY THE SAME RIGHTS AS THE ACCUSED IN THE UNITED STATES.

(11) THERE ARE, HOWEVER, CERTAIN PROVISIONS OF MARTIAL LAW IN EFFECT IN THAILAND SINCE OCTOBER 7 THAT PRESENT A PROBLEM OF DUE PROCESS AND INDIVIDUAL LIBERTY. UNDER ORDER 22, THERE ARE NINE CATEGORIES OF VIOLATIONS WHICH CAN BE CAUSE FOR ARREST AND IMPRISONMENT WITHOUT RECOURSE TO NORMAL THAI LEGAL PROCEDURE. SIX CATEGORIES INVOLVE CRIMINAL ACTIVITY WHILE THREE CATEGORIES POTENTIALLY INVOLVE POLITICAL CONDUCT. SINCE THE OCTOBER COUP, MORE THAN 3,000 THAI CITIZENS HAVE BEEN DETAINED UNDER THESE NINE CATEGORIES. AT PRESENT, THERE ARE APPROXIMATELY 1,000 PERSONS IN DETENTION. THE VAST MAJORITY OF THESE PRISONERS ARE CONSIDERED PETTY CRIMINALS AND ARE DETAINED IN REFORM CENTERS FOR PERIODS LASTING TWO TO SIX MONTHS. THE DETENTION OF MOST OF THESE PEOPLE APPEARS TO BE A GENUINE EFFORT TO REFORM THEIR ANTI-SOCIAL BEHAVIOR. THE THAI GOVERNMENT HAS, HOWEVER, IDENTIFIED 64 PRISONERS AS VIOLATORS OF ONE OF THE THREE CATEGORIES OF ORDER 22 THAT HAS A POLITICAL BASIS. THE CASES OF ALL ORDER 22 PRISONERS ARE REVIEWED EVERY TWO MONTHS AND RELEASES MADE. THE LAST WAS ON MAY 11 WHEN 613 WERE FREED, 43 OF WHOM THAI AUTHORITIES IDENTIFIED AS "POLITICAL" PRISONERS. WE
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KNOW OF NO REPORTS THAT THOSE DETAINED HAVE SUFFERED TORTURE, CRUEL, OR INHUMAN TREATMENT. OF THE 3,000, MOSTLY STUDENTS, ARRESTED AT THAMMASAT UNIVERSITY BEFORE THE COUP, ALL BUT 77 HAVE BEEN RELEASED. THESE 77 HAVE BEEN FORMALLY CHARGED AND WILL BE PROSECUTED UNDER THAI LAW.

(12) WITH RESPECT TO THE SECOND CATEGORY OF HUMAN RIGHTS OUTLINED BY SECRETARY VANCE, THE THAI GOVERNMENT HAS DEMONSTRATED A COMMITMENT TO THE PROVISION OF ESSENTIAL FOOD, SHELTER, HEALTH CARE AND EDUCATION FOR THE THAI PEOPLE. THE THAI GOVERNMENT'S BUDGET PROVIDES FOR CONTINUING EFFORTS TO EXPAND PRIMARY AND SECONDARY SCHOOLING. HIGHER UNIVERSITY EDUCATION IN THAILAND IS

ONE OF THE FINEST AND LARGEST IN ASIA WITH 32 UNIVERSITIES IN OPERATION. THE THANIN GOVERNMENT IS PROMOTING LAND REFORM AND RURAL DEVELOPMENT. THERE ARE SPECIAL EDUCATION AND DEVELOPMENT PROGRAMS FOR MINORITY POPULATIONS, INCLUDING THE KING'S HILL TRIBE PROJECT. THERE IS A MINIMUM WAGE LAW AND A RICE PRICE SUBSIDY FOR THE RURAL POOR. THE THAI GOVERNMENT IS APPRECIATIVE OF THE

MODEST U.S. AID PROGRAM OF \$14 MILLION IN FY 77 AND ACCEPTS SOME ASSISTANCE FROM OTHER COUNTRIES AS WELL AS INTERNATIONAL FINANCIAL INSTITUTIONS. HOWEVER, MOST OF THE FUNDS AND PERSONNEL FOR DEVELOPMENT PROJECTS IN THAILAND COME FROM DOMESTIC THAI RESOURCES.

(13) THE THIRD CATEGORY OF HUMAN RIGHTS DEAL WITH THOSE CIVIL AND POLITICAL LIBERTIES WHICH WE HOLD SO FUNDAMENTAL TO OUR OWN SYSTEM. THE CURRENT THAI GOVERNMENT IS NON-ELECTIVE AND POLITICAL PARTIES HAVE BEEN DISBANDED. THERE IS, HOWEVER, A FORMAL COMMITMENT TO A LIMITED OFFICIAL USE
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COMPLICATED 12-YEAR FORMULA UNDER WHICH FULL DEMOCRACY WILL BE RESTORED TO THAILAND. THERE ARE STILL ELECTED VILLAGE LEADERS THAT CONTINUE TO ADMINISTER GOVERNMENT AT THE LOCAL LEVEL. POLITICAL INTEREST GROUPS, NO LONGER ABLE TO FORM POLITICAL PARTIES, HAVE REVERTED TO THE MORE TRADITIONAL THAI NETWORK OF PERSONAL CONTACTS TO INFLUENCE GOVERNMENT POLICY. STUDENT ORGANIZATIONS HAVE BEEN SIMILARLY BARRED, BUT UNIONS CONTINUE TO FUNCTION ALTHOUGH THEY ARE LEGALLY CONSTRAINED FROM STRIKE ACTION. THIS LIMITATION ON LABOR IS A SERIOUS CONSTRAINT, AND THE THAI GOVERNMENT IS CONSIDERING SUCH ALTERNATIVES AS A BOARD OF BINDING ARBITRATION.

(14) THERE IS NO PRESS CENSORSHIP, BUT NEWSPAPERS HAVE OCCASIONALLY HAD THEIR LICENSES REVOKED. BUT EVEN IN THESE CASES, THE THAI GOVERNMENT HAS NOT EXERCISED ITS POWER IN A RUTHLESS OR RIGID MANNER. MOST PAPERS WHICH HAVE HAD THEIR PUBLICATION SUSPENDED HAVE RESUMED OPERATION WITHIN SEVERAL WEEKS. SOME, CURIOUSLY, MERELY CHANGED THE NAME OF THE PAPER SLIGHTLY AND RECEIVED A NEW LICENSE. DESPITE GOVERNMENT PRESSURE, THERE CONTINUE TO BE ARTICLES CLEARLY, IF NOT DIRECTLY, CRITICAL OF GOVERNMENT POLICIES AND PERSONALITIES. THE ACTIVE THAI PRESS STILL CONSISTS OF ABOUT 180 NEWSPAPERS WITH 20 PUBLISHED IN BANGKOK ALONE.

(15) THERE CONTINUES TO BE COMPLETE FREEDOM OF RELIGION, TRAVEL AND EMIGRATION IN THAILAND. RELATIONS BETWEEN CHURCH AND STATE ARE EXCELLENT, WITH NEITHER ATTEMPTING TO INTERFERE IN THE OTHER'S PURVIEW. FREEDOM OF MOVE-

MENT IS ALSO IMPRESSIVE, PARTICULARLY COMPARED TO THE SITUATION IN NEARBY STATES.

(16) HUMAN RIGHTS IN THAILAND CANNOT BE DISCUSSED IN A VACUUM, GIVEN ITS GEOGRAPHICAL LOCATION ABUTTING THE COMMUNIST STATES OF CAMBODIA AND LAOS, ITS PROXIMITY LIMITED OFFICIAL USE
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TO VIETNAM -- (WHICH HAS OVER 20,000 TROOPS IN LAOS); AND THE HISTORY OF ANTAGONISM BETWEEN THE INDOCHINA

STATES AND THAILAND. A JUSTIFICATION GIVEN FOR NOT RETURNING TO THE OPEN, POLITICALLY-EFFERVESCENT, DEMOCRATIC SYSTEM WHICH PREVAILED FROM 1973 TO 1976 IS THE THREAT POSED BY THESE STATES, ALL THREE OF WHOM ARE SELF-PROCLAIMED CHAMPIONS OF SOCIALIST REVOLUTION AND SUPPORT THE COMMUNIST INSURGENCIES IN THAILAND'S NORTH, NORTHEAST AND SOUTH. THAI FEELINGS OF VULNERABILITY ARE DUE TO THE REMOVAL OF THE U.S. MILITARY FROM THAILAND AND THE HUGE AMOUNTS OF U.S. ARMS LEFT IN THE HANDS OF THE VIETNAMESE -- SOME OF WHICH HAVE BEEN SENT TO LAOS.

(17) ONE CAN DRAW ONE'S OWN CONCLUSIONS AS TO THE DEGREE TO WHICH THIS SITUATION HAS CONTRIBUTED TO THE NATURE OF THE PRESENT THAI GOVERNMENT. HOWEVER, I WISH TO DIRECT YOUR ATTENTION TO ANOTHER IMPORTANT POINT -- THE EFFECT WHICH MASSIVE HUMAN RIGHTS VIOLATIONS IN THE INDOCHINA COUNTRIES HAS UPON THAILAND. THIS COMMITTEE HAS ALREADY HAD HEARINGS ON VIETNAM AND WILL DO SO SOON ON CAMBODIA. THUS, THERE IS NO NEED TO GO INTO DETAIL ON THE HUMAN RIGHTS PROBLEMS IN INDOCHINA. SUFFICE IT TO SAY THAT OVER THE PAST TWO YEARS, SOME 120,000 REFUGEES FROM INDOCHINA HAVE SOUGHT REFUGE IN THAILAND. THEY SEE THAILAND AS BEING SO FAR PREFERABLE TO THE SITUATIONS OF POVERTY AND REPRESSIONS WHICH EXIST IN THEIR COUNTRIES THAT THEY TAKE GREAT RISKS TO ESCAPE. DESPITE THE THREAT OF DEATH FROM VIETNAMESE, LAOTIAN OR CAMBODIAN TROOPS WHO HAVE ORDERS TO FIRE UPON THOSE ATTEMPTING TO FLEE, OVER 1,000 REFUGEES A MONTH CONTINUE TO POUR INTO THAILAND. DESPITE THE SERIOUS ECONOMIC, LIMITED OFFICIAL USE
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SOCIAL AND POLITICAL PROBLEMS CAUSED BY THESE REFUGEES, THE THAI DO NOT TURN THEM BACK, ALTHOUGH THEY SOMETIMES ARE TEMPTED TO DO SO. (ONE GROUP OF REFUGEES WHO RECENTLY ESCAPED FROM LAOS WERE TOLD BY A THAI OFFICIAL THAT THEY MIGHT HAVE TO GO TO JAIL SINCE THE REFUGEE

CAMPS WERE FULL AND THAILAND COULD NOT ACCOMMODATE THE CONTINUING FLOW. THE ANSWER WAS THAT DETENTION IN A THAI PRISON IS PREFERABLE TO FREEDOM IN LAOS. THEY WERE SOMEHOW ACCOMMODATED IN A REFUGEE CAMP, ALONG WITH ALL THE OTHER REFUGEES. MOST OF THE EXPENSES FOR THESE REFUGEES ARE BORNE BY THAILAND.)

(18) THUS, IN ADDITION TO THE ACTION IT IS TAKING TO IMPROVE THE WELFARE OF ITS OWN PEOPLE, THE GOVERNMENT AND PEOPLE OF THAILAND ARE MAKING A SUBSTANTIAL HUMAN RIGHTS CONTRIBUTION TO THOSE WHO ARE LESS FORTUNATE THAN THEY. THEY ARE FAR AHEAD OF ANY OTHER ASIAN COUNTRY IN THIS RESPECT. INDEED THEY ARE SECOND ONLY TO THE UNITED STATES IN PROVIDING ASSISTANCE TO INDOCHINA REFUGEES.

THEY DESERVE OUR COMMENDATION AND OUR FINANCIAL SUPPORT IN THIS EFFORT, ONE WHICH THEY KNOW MUST BE CONTINUED FOR SEVERAL YEARS TO COME, GIVEN THE SHARPLY CONTRASTING HUMAN RIGHTS SITUATION IN INDOCHINA. END TEXT.
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